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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,206	08/28/2003	John K. Dagg	GP-303159	7159

7590 09/15/2005
LAURA C. HARGITT
General Motors Corporation Legal Staff
P.O. Box 300
Mail Code 482-C23-B21
Detroit, MI 48265-3000

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,206

Applicant(s)

DAGG ET AL.

Examiner

Tiffany Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 90 and 92 in Figure 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 7 and 8 are objected to because of the following informalities: claim 7 claims dependency upon a claim (9) that does not precede the claim and claim 8 is identical to claim 4. Appropriate correction is required. For the purposes of examination the examiner is assuming that claim 7 should be dependent upon claim 6 and has treated it as such. The examiner has also assumed that claim 8 was meant to depend upon claim 6, and has been treated as such.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5 and 9 recite the limitation "the radius of the circle" in line 1 of each claim. There is insufficient antecedent basis for this limitation in the claim because the radius then refers to "r" in the equation in the claim, where in claims 4 and 8 "the radius of the circle" is referred to as "R," as such it is confusing which radius is being referred to. Further regarding claims 5 and 9: "xd" and "yd" are not provided with definitions and as such are unclear.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harbali et al. (US 5,685,527). Regarding claim 1, Harbali et al. discloses an apparatus for preloading a torsion bar in an automotive suspension system including an adjuster arm extending radially from the torsion bar (col. 3, lines 1-2) with the adjuster arm having a free end with a arcuate surface formed thereon (see Figure 3). There is also an adjustment nut positioned on a structural support member of the vehicle suspension

system adjacent to the adjuster arm (col. 3, lines 3-7 and 64 in Figure 3). An adjustment bolt also threadably engages the adjustment nut and has a free end (col. 3, lines 3-4 and 13-15) which when it is rotated the adjuster arm and torsion bar rotate about a longitudinal axis (Abstract lines 6-7). Regarding claim 2, Harbali et al. teaches that the adjustment bolt remain perpendicular to the adjuster arm throughout the rotation (col. 3, lines 9-13). Regarding claim 3 and 7, Harbali et al. further discloses that the adjusting bolt is rounded, i.e. tapered, to provide a point engagement with the adjuster arm for a minimum frictional resistance (col. 3, lines 17-20). Regarding claims 4, 5, 8 and 9, Harbali et al. discloses a circular shape on the adjuster arm for the adjuster bolt. For claims 4 and 8, given that Harbali et al. performs the same function as the instant invention, that is the adjustment bolt remains perpendicular and the shape of the surface is circular, it is inherent that Harbali et al.'s surface has values for the variables in the equation in claim 5 and 8 that define the curvature of the involute path claimed. As best understood, for claims 5 and 9, it is the examiner's position that Harbali et al. includes a surface that can be described by such an integral, since "xd" and "yd" have not been defined in the claims. In summary regarding claims 4, 5, 8, and 9, when the applicant claims an operation of a device not explicitly disclosed in a prior art reference, the U. S. Patent and Trademark Office "possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on." In re Ludtke and Sloan, 169 USPQ 563,566 (C.C.P.A 1971). The applicant is required to prove that the subject matter shown in Harbali et al. would not be retractable as claimed in claims 4, 5, 8, and 9. Regarding claim 2 and 6,

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Harbali et al. teaches that the torsion bar has an end rotatably supported by a support member.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,609,331 to Hoag et al. discloses a suspension adjuster apparatus for use in preloading a torsion spring and including an adjuster arm with a curve on it for engagement with an adjuster bolt. US Patent No. 6,364,297 to Weber discloses an improved torsion bar adjustment arm and socket system. US Patent No. 2,624,568 to Kany discloses a torsion spring adjuster lever arm for a radially mounted torsion spring. US Patent No. 6,357,771 to Clements et al. discloses a torsion bar attached to a vehicle frame member by an adjuster assembly including a spring biasing anchor arm. US Patent No. 2,606,758 to Collier discloses an improved means for adjusting the anchor for torsion bars on a suspension system. US 3,432,158 to Goodwin discloses a variable torque arm adjuster using adjustment bolts. US Patent 4,243,244 to Kataoka discloses a torsion bar suspension for adjustment on the suspension height. US Patent 5,687,960 to Moon discloses a torsion bar assembly with a bracket for adjusted the preloading on the torsion bar.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw

**RUTHILAN
PRIMARY EXAMINER**
